IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6130 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NUTAN HIGH SCHOOL

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioners

MR MA BUKHARI, AGP, for Respondent No. 1 and 3

None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/07/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respondents and perused the special civil application and reply filed by them.

2. The petitioner in this petition under Article 227 of the Constitution of India challenges the action of the respondents more particularly, respondent No.3 in not granting permission to the petitioner to increase one class of Standard X from June, 1992 and Std. VIII from June, 1997.

3. Reply to the special civil application has been filed and therein it is stated that the petitioner has to apply for individual classes from new academic year. Learned counsel for the respondents No.1 and 3 conceded that in reply at page No.40 it is wrongly mentioned that the Commissioner of Higher Education has sanctioned the additional classes from new academic year vide letter dated 5-6-1998. The prayer of the petitioner cannot be granted for increase of classes from June, 1992 and June, 1997.

4. This special civil application framed as such is difficult to entertain and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. However, the petitioner is free to apply for increase of additional classes to the competent authority from next academic session and if such an application is made then the competent authority has to decide the same within a period of four months from the date of receipt thereof. No order as to costs.

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